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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/873,785
Filing Date: June 04, 2001
Appellant(s): KANOJIA ET AL.

Hamilton, Brook, Smith & Reynolds, P.C.
David J. Thibodeau, Jr.
Reg. No. 31,671
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/17/2007 appealing from the Office action mailed February 6, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows: (due to a minor typo from the examiner)

Claims 1-30, **32-63**, and 65-67 are rejected under 35 USC 103 (a) (not claims 33-63)... because only claims 31 and 64 have been previously cancelled, and claim 32 was eventually rejected in the office action on page 13. On the section header on page 2, the examiner missed to include this claim 32 on the final office action, which caused the appellants make a same mistake.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,177,931 B1	Alexander et al.	01-2001
2002/0010928	Sahota	01-2002
6,615,039 B1	Eldering	09-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

(For the convenience of reviewing for the Board, the examiner attaches the final office action below).

DETAILED ACTION

Remark

1. Claims 31 and 64 were canceled in the amendment dated 8/18/05; and new claims 68-71 have been added. Pending claims are claims 1-30, 32-63, and 65-71.

Response to Arguments

2. Applicant's arguments with respect to claims 1-30, 32-63, and 65-71 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 1-30, **32-63**, and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent 6,177,931) in view of Sahota (U.S. Patent Pub 2002/0010928 A1) and Eldering (U.S. Patent No. 6,615,039 B1).

Regarding claim 1, Alexander discloses a system for displaying promotion on a viewing device comprising a display for displaying to a viewer, a network device coupled to the display device, the network device configured to receive a promotion and a transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display, and in response to the condition occurring, activate the promotion for display in the display, i.e., a computer at the headend of the cable television system served as a network device for gathering or collecting the user's information data or profile (col. 29/lines 14-21), and the headend computer system analyzes and provides promotion or advertisements corresponding to the user's profile or preferences (col. 29/line 30 to col. 30/line 44), and particularly, the promotion does not activate to display to the viewer until a transmission schedule comprising control data that triggers or activates the promotion based on a specified condition, for instance, such as when and how to deliver targeted advertisements or promotions to the viewer (refer to col. 32/lines 24-54 & col. 32/line 61 to col. 33/line 43, with an example to clearly showing two different viewers even tunes to the same time on a same day when they view television programs, but based on their distinct profiles, one prefers "Nova" will see advertisements related to educational computer while the other one watches Major League Baseball, and he will see an advertisement for Good Year Tires instead.

Alexander does not clearly show the "transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in a display"; however, Sahota teaches the same feature, simply put in other words, the control data is the ATVEF and/or VBI encoding that provides the trigger in providing the promotion or commercial/advertisement at a scheduled time (see Sahota, Figs. 1-4 and page 4/par. 0044-0048

for time to play the TV commercial, length of the commercial and based on ATVEF triggers or VBI encoding embedded into the video broadcast stream). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander's system with Sahota's teaching technique of using ATVEF triggers as control data that specifies or indicates a condition for activating the promotion or advertisement for display in a display.

Alexander and Sahota do not further teach the step of "the transmission schedule is received as a massage which is individually addressed to the network device" (as amended); however, Eldering teaches an exact same technique in using multicast protocol in sending message with a schedule to individuals based on individual address of each network device with its own ID (refer to Figs. 1, 2, 10 and col. 11/line 54 to col. 13/line 18 for details on multicast with ID for each network device and movies, information, data programming etc are provided to the user). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander's system with Eldering's teaching technique of using multicast protocol as disclosed in order to deliver data programming and video services as well as advertisements to each individually network device by using its own unique ID at ease.

As for Claim 2, Alexander et al. teach the promotion is stored locally on the network device (see col. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is accessible at a web site if the viewer terminal has an Internet connection.").

As for Claim 3, Alexander et al. teach the promotion is stored in a network stream (see cot. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is accessible at a web site if

the viewer terminal has an Internet connection." When the advertisement message is accessible from a web site, it is interpreted that the promotions are stored in a network stream).

As for Claim 4, Alexander et al. teach the promotion is viewed in a dedicated channel (see cot. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42." The channel where the infomercial is telecast is interpreted to be a dedicated channel where the promotion (Infomercial) airs.)

As for Claim 5, Alexander et al. teach the promotion is viewed in a virtual channel (see cot. 17 lines 39-47 "the EPG provides the viewer the opportunity to select Virtual Channel Ad Slots or Ad Window displays that advertise future-scheduled television programs and get additional information in the way of text or video clips.").

As for Claim 6, Alexander et al. teach the promotion is located using a local moniker (see col. 32 line 61- col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.". The names of the channels (such as ABC, NBC, FOX, ESPN etc) are local monikers. Since the advertisements are telecast on particular channels, the

names of these particular channels are interpreted to be local monikers that are used to locate the promotion to be displayed.)

As for Claim 7, Alexander et al. teach the display is an electronic program guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.").

As for Claim 8, Alexander et al. teach the electronic program guide is a full-screen guide (see col. 7 lines 19-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

As for Claim 9, Alexander et al. teach the electronic program guide is a partial-screen guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 7 lines 19-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

As for Claim 10, Alexander et al. teach the promotion is displayed in the electronic program guide (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14....Typically, an ad for a product or service is displayed in window 16.").

As for Claim 11, Alexander et al. teach the promotion is displayed as a banner (see col. 24 lines 42-55 "Ads may feature, among other things, a graphics field, a text field or a combination of a graphics and text field. Graphics are typically presented in 8 bit/pixel (using "320 mode"), 4 bit/pixel (in "640 mode") and 1-bit/pixel images ... The remaining portion of the Channel ad will typically be text only" When the Ads are presented with graphics and text only, the ads are interpreted to be displayed as banners.)

As for Claim 12, Alexander et al. teach the promotion is displayed as a hot spot (see col. 4 lines 28-33 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program." Since the Ad is linked to more information the user can access by pressing a button, the Ad window is interpreted to be a hot spot).

As for Claim 13, Alexander et al. teach the promotion is displayed as a full motion stream (see col. 4 lines 35-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42." When the viewer watches a channel that is showing an infomercial about the product or service, it is interpreted that the infomercial is a promotion that is displayed as a full motion stream.).

As for Claim 14, Alexander et al. teach the promotion is displayed on a personal video recorder (see Fig. 1 unit 46 Record, and col. 7 line 58 - col. 8 line 3 "In the Record Selection Function, also referred to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded. As is further described below, the viewer can identify the frequency/regularity with which the viewer wants to record each program listed in the Record List." Since the EPG system can be instructed to record upcoming shows, it is interpreted that the system is a personal video recorder where promotions are displayed.)

As for Claim 15, Alexander et al. teach the promotion is selectable to facilitate interactions between the viewer and the promotion (see col. 4 lines 28-33 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program.").

As for Claim 16, Alexander et al. teach the promotion is displayed over the entire viewable area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window.").

As for Claim 17, Alexander et al. teach the promotion is displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is

displayed in window 14.... Typically, an ad for a product or service is displayed in window 16.").

As for Claim 18, Alexander et al. teach multiple promotions are displayed, each promotion being independently selectable to facilitate interactions between the viewer and the selected promotion (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-43 "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program. Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42:").

As for Claim 19, Alexander et al. teach the promotions are displayed over the entire viewable area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window. The viewer can interact with the full screen ad in the same manner in which the viewer can interact with the Ad Window. That is, the viewer can instruct the EPG to record, or to add to the watch list, the infomercial or program, if there is one that is associated with the advertisement.")

As for Claim 20, Alexander et al. teach the promotions are displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14. . . Typically, an ad for a product or service is displayed in window IV).

As for Claim 21, Alexander et al. teach the condition is triggered by the interaction of the viewer with the network device (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42".)

As for Claim 22, Alexander et al. teach when the viewer accepts the promotion, the channel to which the network device is tuned to changes (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42".)

As for Claim 23, Alexander et al. teach the condition is triggered by a program the viewer is watching (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42". It is interpreted that the program the viewer is watching is the Ad displayed on window 16, and the link to the ad that viewer is watching triggers the selector (EPG system) to telecast of record the infomercial.)

As for Claim 24, Alexander et al. teach the condition is triggered by a program schedule (see col. 9 line 65 - col. 10 line 12 "The EPG provides the viewer with the opportunity to select program titles, scheduled for delivery at future times, to watch. By selecting program titles, the viewer builds a "watch list." Watch list options and instructions provide functionality parallel to the EPG's Record Function. Instead of automatically recording the programs selected, the Watch Function automatically turns the television on, if it is not already on, and automatically tunes the television to the channel scheduled to deliver the designated program, if the television is not already tuned to that channel." The Watch List the user creates is interpreted to be a program schedule that triggers the EPG system to turn the television on if it is not on, and tune to the appropriate channel.)

As for Claim 25, Alexander et al. teach the condition is triggered by past promotion acceptance of the viewer (see col. 28 lines 11-45 "Every time the viewer interacts with the EPG or the television, the EPG records the viewer's actions and the circumstances surrounding those actions. For instance, when the viewer changes channels, the EPG records, among other things, information about the first channel, the changed-to channel, the time that the change was made, the identification of the programming that was displayed on the first channel, the identification of the programming that was displayed on the changed-to channel, the time of the change, the identification of any advertisement that was displayed on the first channel at the time of the change, the identification of any advertisement that was displayed on the changed-to channel" The data collected on the viewer's interaction (such as the advertisement that was displayed when a viewer changed the channel) is used to form a viewer profile, which is in turn used to present targeted promotion to the user (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.")

As for Claim 26, Alexander et al. teach the condition is triggered by a location that the promotion appears within the display (see col. 4 lines 35-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one, or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42."). It is interpreted that the location of the Ad in Ad Window 2 triggers the EPG to cause a promotion (Infomercial) to be

shown on the display because if the ad was not in location of Ad Window 2 (16), an Infomercial about the product would not be shown.

As for Claim 27, Alexander et al. teach the promotions are selected based on a viewership profile of the network device (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.").

As for Claim 28, Alexander et al. teach the promotions are selected based on the demographics of the viewer (see col. 32 lines 35-55 "One example is customizing an overlay message to an advertisement on a local geographic basis. For instance, the EPG knows the geographic location of the individual viewer. The broadcaster can packet match on the zip code to customize the message so each zip code gets a different message, i.e., the 3 Burger Kings in the viewer's local area." The geographical area a viewer is located is interpreted to be demographics of the viewer).

As for Claim 29, Alexander et al. teach a channel to which the network device is tuned is a trigger that triggers the condition (see col. 32 line 61 - col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said changed channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.")

As for Claim 30, Alexander et al. teach the trigger is embedded in a broadcast stream (see col. 32 line 61- col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.". The change channel command in the VBI is the trigger and it is embedded in a broadcast stream.)

(Claim 31 was canceled).

As for Claims 32 and 65, Sahota further teaches "the trigger is embedded in a ATVEF stream" and "the condition is triggered by a trigger that is embedded in a ATVEF stream" (Sahota, page 4/par. 0046-0048).

As for Claim 33, Alexander et al. teach the trigger is embedded in a Vertical Blanking Interval (VBI) stream (see col. 32 line 61-col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.")

As for Claims 34 and 67, Sahota further teaches "wherein the trigger is embedded in a MPEG stream" and "wherein the condition is triggered by a trigger that is embedded in an MPEG stream" (see Sahota, page 4, par. 0046-0048 as MPEG multiplexing is used and the trigger ATVEF is within the MPEG stream).

As for claims 35-63, and 66, these claims for a method for displaying target promotions on a viewing device with same limitations addressed above are rejected for the reasons given in the scope of claims 1-30 and 33 as disclosed in details above, with the teaching of Sahota for the ATVEF trigger as control data within a transmission schedule in triggering the display of promotion data on the display as noted in claim 1 earlier. For claim 35, Alexander and Sahota do not further teach the step of "the transmission schedule is received as a massage which is individually addressed to the network device" (as amended); however, Eldering teaches an exact same technique in using multicast protocol in sending message with a schedule to individuals based on individual address of each network device with its own ID (refer to Figs. 1, 2, 10 and col. 11/line 54 to col. 13/line 18 for details on multicast with ID for each network device and movies, information, data programming etc are provided to the user). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander's system with Eldering's teaching technique of using multicast protocol as disclosed in order to deliver data programming and video services as well as advertisements to each individually network device by using its own unique ID at ease.

For claim 68 and 71, Eldering further teaches "wherein the transmission schedule is customized for the network device and specifies when and how the network device is to receive the promotion" (refer to col. 2/line 46 to col. 3/line 3).

For claim 69, Eldering teaches this feature of "wherein trhe transmission schedule is formatted as a TCP message" (col. 5/lines 44-56).

For claim 70, Eldering teaches this feature as the broadcast message is separate from the transmission schedule (Fig. 5 for ad as targeted broadcast message is separate from the regular programming).

(10) Response to Argument

Appellants mainly argue that "As a context for the arguments to be presented below, consider the typical implementation of Appellant's claimed device and method. In practice, Appellant's invention is employed in a network such as a cable or satellite television network. Where promotional content needs to be sent from a single source to many destinations, it is not uncommon, for example, for there to be a network of 10,000 "set top box" network devices receiving a promotional message, such as an advertisement ("a promotion"). Using a first technique, each network device receives the promotion as a message. The message is individually addressed to each of the network devices. Because the message is addressed to each of the 10,000 network devices on an individual basis, this technique requires sending 10,000 messages, even if all of the messages are all identical. In other words, in order for each network device in such a network to receive an individually addressed message, 10,000 messages would have to be sent" by pointing out that:

"Eldering describes using a single multicast address to address ads and/or programs to a group of subscribers for both sending ads and programs together (in-band transmission) and for sending ads and programs separately (out-of-band transmission). *See e.g.,* Eldering, column 11, line 66 - column 12, line 4 (advertisements are directed according to the advertisement multicast addresses); column 12, lines 7-11 (presentation streams are directly transmitted to a group of subscribers); column 12, lines 11-14 (multicast a presentation stream to subscribers in a multicast subgroup); and column 12, lines 33-39 (programming is transmitted on one multicast channel to a first group of subscribers, and one or more advertisements are transmitted on a second multicast channel to a second group of subscribers)."

And the appellants conclude that: "Appellant respectfully submits that the Alexander, Sahota, and Eldering combination does not teach, suggest, or otherwise make obvious **a transmission schedule received as a message which is individually addressed to a network device,** which is a feature clearly recited in all of Appellant's claims 1-30, 33-63, and 65-67"; and go on "One must look to Appellant's Specification to determine the meaning of the claims. According to the Specification, page 7 lines 13-15, transmission schedules are customized for each network device specifying when and how each network device is to receive promotions. The transmission schedules (scheduling information) are transmitted to each network device through a messaging protocol for **unicast transmission (one-to-one).** Specification, page 10 line 28 - page 11 line 5."

Thus, by summarizing the appellants' arguments, it simply focuses on the present technique of "so-called novel invention" from the appellant is clearly about a well known technique of **unicasting**, which individually transmitting a message containing a transmission schedule to users/viewers, wherein the transmission schedule further containing control data that specifies a condition for activating a promotion for display.

The examiner respectfully disagrees with the appellants and believes Eldering further teaches the unicasting technique, and the combination of Alexander, Sahota, and Eldering combination does teach, suggest, or otherwise make obvious **a transmission schedule received as a message which is individually addressed to a network device,** as claimed in independent claims 1 and 35.

The examiner would like to invite the appellants to take a closer look in column 11, lines 37-42 and Fig. 8 as Eldering clearly teaches to further include the **unicast** technique for further addressing individual programming and individual advertisements (appellants refer to as "promotion") directly to the user/subscriber in the form of "spot messages" to promote the sales and/or services (refer to col. 1/lines 58-67 for "spot messages" are messages containing advertisements in the programming streams).

Appelleant argue that "Sahota discloses a technique using Advanced Television Enhancement Form (ATVEF) triggers inserted into TV commercials to cause enhanced content (e.g., web pages) to be integrated with content (TV commercials) to form interactive content automatically. See Sahota, FIG. 2 and paragraph 0053. Because the inserted ATVEF triggers are themselves the cause for integrating, **there is no need for the ATVEF triggers to specify a further cause (condition) when the enhanced content should or should not be integrated with the content.** *See e.g.,* Sahota, paragraphs 0035-0036 (ATVEF triggers are mechanisms to alert set-top boxes of incoming content enhancements, and include information about the enhancements, such as a standard Universal Resource Locator (URL) location for enhanced

content), paragraph 0048 (ATVEF trigger causes multiplexer/encoder to integrate advertising content with TV commercial content), paragraph 0058 (ATVEF trigger sent by broadcasting server to multiplexer/encoder causes the multiplexer/encoder to integrate interactive content in real-time)." By doing so, the appellants attempt to destroy the existence of Sahota's reference for combining the Sahota's teaching into Eldering or Alexander."

However, the examiner found the appellants are contradicted themselves because in the specification on page 8, the appellants state:

> "Once the promotions have been successfully delivered, the promotions are activated at the network devices as specified in promotion control data of the transmission schedules. Promotion activation may be event, time, or channel driven. In addition, Navic triggers or triggers embedded in broadcast streams such as Advanced Television Enhancement Forum (ATVEF), Vertical Blanking Interval (VBI), or in Moving Pictures Experts Group (MPEG) data streams may activate the promotions. Promotion activation may also occur because of some series of viewer events, for example, some pattern of channel surfing by the viewer may activate a promotion."

which admits the fact that the promotion can be activated using ATVEF triggers. Eventually, Sahota teaches the exact same technique of using ATVEF to trigger the time when to display the advertisements (or promotions), refer back to Sahota, page 4, par. 0044 & 0046-0048). Thus, the appellant try to point out to a different direction or different feature from Sahota for their arguments, yet the true fact is still there, that Sahota teaches to use ATVEF trigger to use in programming stream in order to "specify a condition for activating the promotion for display in the display" as exactly same as admitted in the specifications of the present application.

For the rest of the dependent claims, all features are addressed in the final office action.

Therefore, the examiner respectfully believes the combination of Alexander, Sahota, and Eldering combination does teach, suggest, or otherwise make obvious **a transmission schedule received as a message which is individually addressed to a network device,** as claimed in independent claims 1 and 35.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KIEU-OANH BUI
PRIMARY EXAMINER

KB

January 18, 2008

Conferees:

Christ Grant and Andrew Koenig

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